

JAMAL WAFAI K. DAJANI * NO. 27,917 EQUITY
 * IN THE CIRCUIT COURT FOR
 * FREDERICK COUNTY, MARYLAND
 * FREDERICK COUNTY, MARYLAND

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MEMORANDUM IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT

Plaintiff has filed a Bill of Complaint to Quiet Title against Defendants. The Plaintiff alleges that he has title to .770 acre of land within his property, although adverse claims have been made by the Defendants and Baltimore Gas and Electric Company to that .770 acre. (Baltimore Gas and Electric Company has conveyed a quit claim deed to the Plaintiff for .422 acres out of the .770 acres in question.) The Defendants have failed to answer the Bill of Complaint within the time required, and Plaintiff has obtained Decrees Pro Confesso against both Defendants. He has now filed a Motion for Summary Judgment with the Affidavit of Charles A. Little and Elizabeth H. Little, his wife, attached.

In his Bill of Complaint the Plaintiff alleges that his property is bounded on the northwest by a fence which has been considered to be the boundary of the property for more than twenty years. The Affidavit of Mr. and Mrs. Little notes that they owned the property for almost twenty one years and that the fence was considered the boundary during their entire period of ownership. In fact the wire fence had been in place long enough that it was deeply imbedded into trees on the boundary at the time that the Littles acquired title. The Littles also state that they ordered a neighbor off the property when trees he had cut fell over the fence and onto their property.

Maryland law has long provided that a person may gain title to property through adverse possession. In order to gain title under this law, the claimant to title must show that he has been in actual, open, notorious, exclusive, hostile possession, under claim of title or ownership continuously for at least twenty years. *Hungerford v Hungerford*, 234 Md. 338, 199 A. 2d 209 (1964). The twenty-year period of time is not necessarily that of the claimant himself but may be derived from his predecessors in possession. Where there is